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| TO:       | Mail Stop AMENDMENT | FROM:    | ADAM J. CERMAK<br>Cermak & Kenealy LLP |
| FAX:      | 703.872.9306        | REF. NO: | 003-068                                |
| VOICE:    |                     | PAGES    | 75 (incl. this sheet)                  |
| App. No.: | 10/623,812          | DATE:    | 5 September 2004                       |

The undersigned hereby certifies that the following document(s) is (are) being transmitted by telefacsimile to the United States Patent and Trademark Office at the above "FAX" number, on the above DATE:

- 1) This facsimile Certification cover sheet (1 pg)
- 2) Information Disclosure Statement (3 pp)
- 3) PTO-1449 (1 pg)
- 4) The 7 patent documents cited on the PTO-1449 (67 pp)
- 5) German Search Report (3 pp)



Adam J. Cermak  
Registration Number 40,391

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Att'y Dkt. No. 003-068  
U.S. App. No. 10/623,812

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Flohr et al.

Appl. No.: 10/623,812

Filing Date: 22 July 2003

Title: BURNER AND PILOT BURNER

Art Unit: 3749

Examiner: [to be assigned]

Atty. Docket: 003-068

**INFORMATION DISCLOSURE STATEMENT**

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**SEP 05 2004**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.
- ☐ 2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. Below is a certification under 37 C.F.R. § 1.97(e).

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U.S. App. No. 10/623,812

- ☐ b. Attached is my check no. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ c. Please charge my Deposit Account No. 50-2821 in the amount of \$ \_\_\_\_\_ for the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant hereby Petitions that the Information Disclosure Statement be considered. ☐ Attached is my check ☐ please charge my Deposit Account No. 50-2821 in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Certification(s) under 37 C.F.R. § 1.97(e):
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☒ 5. Relevance of the non-English language document(s) is discussed in the present specification. See pages 1-4 of the specification of the present application.
- ☒ 6. The document(s) was/were cited in a corresponding foreign application; ☒ a copy of a search report issued in the foreign application is attached, and/or ☐ an English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 III (A)(3).
- ☐ 7. A concise explanation of the relevance of the non-English language document(s) ☐ is attached hereto or ☐ appears below.
- ☐ 8. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 9. Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

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- ☐ 10. Copies of the documents cited in the International Search Report (PCT/ISA/210) and/or the International Preliminary Examination Report (PCT/IPEA/416) have been received by the U.S. P.T.O., as indicated on the Notification of Acceptance (PCT/DO/EO/903); accordingly, additional copies are not provided herewith. M.P.E.P. §§ 609 II, 1892.03(g).
- ☐ 11. Copies of the U.S. patent documents cited on the PTO-1449 filed herewith are NOT provided, in accordance with Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003, 1276 Off. Gaz. Pat. Office 55 (August 5, 2003).
- ☐ 12. Other: \_\_\_\_\_

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

By: \_\_\_\_\_

Adam J. Cermak  
Reg. No. 40391

Date: *5 Sept. 2004*

**U.S. P.T.O. Customer Number 36844**

Cermak & Kenealy LLP  
P.O. Box 7518  
Alexandria, VA 22307-7518  
703.768.0994

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| FORM PTO 1449 (modified)<br>INFORMATION DISCLOSURE STATEMENT | Att'y. Ref. No.: 003-068   | App. No.: 10/623,812 |
|  | APPLICANT(S): Flohr et al. |                      |
|  | FILING DATE: 22 July 2003  | Group Art Unit: 3749 |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | PUB'N<br>DATE | NAME | CLASS | SUBCLASS | FILING DATE |
|---------------------|--------------------|---------------|------|-------|----------|-------------|
|                     |                    |               |      |       |          |             |
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## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | PUB'N<br>DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION   |
|---------------------|--------------------|---------------|---------|-------|----------|---|
|                     | 198 03 879 C1      | 26 Aug 1999   | Germany |       |          | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|                     | 197 38 055 A1      | 02 Apr 1998   | Germany |       |          | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|                     | 196 39 301 A1      | 26 Mar 1998   | Germany |       |          | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|                     | 0 931 980 A1       | 28 Jul 1998   | EU      |       |          | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|                     | 0 735 318 B1       | 02 Oct 1996   | EU      |       |          | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
|                     | 0 321 809 A1       | 28 Jun 1989   | EU      |       |          | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|                     | 0 704 657 A2       | 03 Apr 1996   | EU      |       |          | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

## OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

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|--|---|
|  | Copy of Search Report from DE 102 33 161.8 (issued 29 October 2003) |
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| EXAMINER   | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. |                 |